

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 15th day of March, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Lisa Wallingford, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: John Maresh, Interim City Manager
Cynthia Trevino, City Attorney
Linda Cernosek, City Secretary
Travis Tanner, Executive Director of Community Development
Ian Knox, Planning Administrator
Charles Kalkomey, City Engineer
Tonya Palmer, Building Official
Dallis Warren, Police Chief
Cody Dailey, Police Lieutenant
Wade Goates, Fire Chief
Darren McCarthy, Parks and Recreation Director
Rigo Calzoncin, Public Works Director
James Lewis, Director of Technology
Jenny Pavlovich, Communications Manager
Kaye Supak, Executive Assistant

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.

Reverend Deborah Prihoda, First Assembly of God Church, Rosenberg, gave the invocation, and Cade Meaux of Boy Scout Troop 1656 led the pledge of allegiance to the flag.

Presentation of Certificates of Appreciation to 2016 FISH-tastic Volunteers and Sponsors.

Darren McCarthy, Parks and Recreation Director, presented Certificates of Appreciation to the following 2016 FISH-tastic Volunteers and Sponsors:

- Austin High School National Honor Society
- B.F. Terry High School National Honor Society
- Coastal Prairie Chapter of Texas Master Naturalists
- David's Tackle Box
- George Ranch High School Student Council

Introduction and Badge Pinning of New and Promoted Rosenberg Firefighters.

Wade Goates, Fire Chief, introduced and pinned badges for the following New and Promoted Rosenberg Firefighters:

- Fire Department Chaplain Wayne Watkins
- Battalion Chief Justin White
- Professional Standards Battalion Chief Daryl Maretko
- Fire Captain Chris Delmar
- Fire Captain Jason Johns
- Fire Engineer Brandon George
- Fire Inspector Dustin Toll

- Fire Inspector Chris Richter
- Firefighter Leticia Orozco Cruz
- Firefighter Logan Evans
- Firefighter Harold Earls
- Firefighter Jared McCamy
- Firefighter Matthew Northrup
- Firefighter Manuel Padia III
- Firefighter Blake Shifflett
- Firefighter Neil Wleczyk

Announcements.

- There were no announcements.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

- **Cynthia Nguyen** - 2700 Olympia Parkway, Missouri City, TX 77489 - Rainbow of Love is currently seeking donations for their Easter Drive, for items such as diapers, baby wipes, strollers, and car seats. If you know of any families in need with children ages infant - 5 years old, please contact Rainbow of Love at (281) 438-6588.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on minutes of the Workshop Meeting on February 23, 2016, and Regular Meeting in March 01, 2016.**
- C. **Consideration of and action on Ordinance No. 2016-08, an Ordinance of the City of Rosenberg, Texas, declaring the candidates for City Council Districts 1, 2, 3, and 4 unopposed; declaring Jimmie J. Pena, Candidate for Councilmember District 1; Susan Kroll Euton, Candidate for Councilmember District 2; Alice S. Jozwiak, candidate for Councilmember District 3, and Lynn Moses, Candidate for Councilmember District 4, elected; cancelling the election for City Councilmembers, Districts 1, 2, 3, and 4 for the General Municipal Election to be held on May 7, 2016; repealing all ordinances or parts of ordinances in conflict herewith; and providing for severability.**

EXECUTIVE SUMMARY

Ordinance No. 2016-08 is declaring the candidates City Council Districts 1, 2, 3, and 4 unopposed; declaring Jimmie J. Pena, Candidate for Councilmember District 1; Susan Kroll Euton, Candidate for Councilmember District 2; Alice S. Jozwiak, candidate for Councilmember District 3, and Lynn Moses, Candidate for Councilmember District 4, elected; and, cancelling the election for the General Municipal Election to be held on May 7, 2016.

The new City Councilmembers will take their oaths of office and be seated on Tuesday, June 7, 2016, for a two year term of office.

The Fort Bend County Elections Administrator has been notified and there will be no cost for the cancellation of the election. The City Secretary will issue Certificates of Election to these officers after the May 7, 2016 election.

- D. **Consideration of and action on Resolution No. R-2117, a Resolution authorizing the Interim City Manager to execute and submit, for and on behalf of the City, an application to the Community Development Block Grant Fund for North Rosenberg Water Distribution Improvements - Phase IV for approximately \$323,000.00.**

EXECUTIVE SUMMARY

Community Development Block Grant (CDBG) requests are being accepted by Fort Bend County Community Development for the HUD program year 2016. Staff is requesting City Council's approval to pursue the construction and completion of water line infrastructure improvements to serve the north side of Rosenberg. This proposed project will be Phase IV of a water infrastructure project originally approved by CDBG for funding in 2005 to improve potable water service to the north side of Rosenberg. This rehabilitation project will offer relief of a long-standing deficiency in the City's infrastructure. The project must be located within a designated area that meets the low to moderate income level criteria based on the 2010 Census data.

The application will include a request for CDBG funding for approximately \$323,000.00. The application will indicate a proposed local match of 10% for construction contingency and the City will pay for engineering. If the application is approved for funding, the local matching funds would be included in a future budget. Requests must be submitted no later than March 24, 2016. Staff recommends approval of the project application submission as proposed in Resolution No. R-2117.

- E. **Consideration of and action on Resolution No. R-2120, a Resolution awarding Bid No. 2016-06 for lease of real property for hay production; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.**

EXECUTIVE SUMMARY

Staff presented revisions to the areas to be leased for hay production beginning on April 01, 2016 at the January 26, 2016 City Council Workshop. The overall area available for haying has been reduced by 61.26 acres from 209 acres to approximately 140.77 acres. The reduction in acreage is primarily due to the excavation of the Dry Creek Regional Detention Basin located on Ricefield Road.

Bids were received on Wednesday, February 24, 2016, for the lease of certain City-owned real properties for hay production. A total of one (1) bid was opened and tabulated as indicated on the attached bid summary. Based on the sole bid, the City can realize a savings of approximately \$35,000.00 annually for open acreage mowing cost normally associated with these parcels if they were not leased for hay production. The cost savings is based on the current open acreage mowing contract rate of \$25.00 per acre and ten (10) mowing cycles during the year.

Staff recommends Bid No. 2016-06 be awarded to Mr. Pete Vacek, Jr., in the amount of \$281.54 per year. If approved, the effective date of the lease shall be April 01, 2016, with an initial term of three (3) years and the option to extend the lease for two (2) additional, one (1) year terms at the sole discretion of the City. Should the bid be awarded as recommended, the Proposal will be attached to serve as Exhibit "A" and the Lease Agreement attached to serve as Exhibit "B" to Resolution No. R-2120.

- F. **Consideration of and action on Resolution No. R-2127, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract for Leak Detection Services, and subsequent Contract Extensions as appropriate, by and between the City and SAMCO Leak Detection Services, Inc.**

EXECUTIVE SUMMARY

Resolution No. R-2127 is being presented to authorize a Contract with SAMCO Leak Detection Services, Inc., to perform acoustic leak detection surveying on all accessible water distribution piping and all active, visible and future water service connections, fire hydrants and distribution valves located in the City. Such leak detection services are a valuable tool to assist in maintaining the integrity of the City's water distribution system and minimize loss of potable water due to undetected leaks.

The City's Water Conservation Plan includes the implementation of a leak detection and repair program as a method to identify and eliminate underground leaks. The Texas Water Development Board also recommends the use of acoustic leak detection surveying as an effective tool to detect and eliminate underground leaks.

The proposed Contract divides the City's water distribution system into four (4) quadrants, with one (1) quadrant being surveyed per year. This would allow the entire system to be surveyed over a four (4) year period.

The initial Contract term is for one (1) year with three (3) successive one-year Contract Extensions at the same service rates. The total annual cost of the Contract will be approximately \$25,000.00. The Contract is attached to the Resolution as Exhibit "A", and staff recommends approval of Resolution No. R-2127 as presented. (Please note, the water distribution system map referenced in Schedule A, Scope of Services, is not included in the packet due to the size. The map is available for review in the Interim City Manager's office.)

- G. **Consideration of and action on Resolution No. R-2115, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, a Contract by and between the City and Pyro Shows of Texas for the July 04, 2016, Family 4th Celebration Fireworks Display in the amount of \$30,000.00.**

EXECUTIVE SUMMARY

On February 18, 2014, City Council approved Resolution No. R-1758, authorizing the City to enter into a Contract with Pyro Shows of Texas to produce the fireworks display for the Family 4th Celebration, which included the option for two (2) one-year extensions to the Contract.

In both 2014 and 2015, Pyro Shows of Texas successfully delivered a fireworks show to the City of Rosenberg and the community. Staff has found representatives from the Texas-based company to be extremely professional, responsive and safety-minded at all levels. This year's display would represent the third year that Pyro Shows of Texas has kept the cost of the show at a consistent price of \$30,000.

Staff recommends approval of Resolution No. R-2115, a Resolution approving the Contract for the July 04, 2016 Family 4th Celebration fireworks display; and, authorizing the Interim City Manager to execute same.

- H. **Consideration of and action on Resolution No. R-2121, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Amendment No. 1 to the Digital Billboard Conversion Agreement, by and between the City and Clear Channel Outdoor, Inc.**

EXECUTIVE SUMMARY

Pursuant to recent amendments to City ordinances regarding digital billboards, on February 16, 2016, City Council approved Resolution No. R-2106 authorizing an Agreement between the City and Clear Channel Outdoor that would allow a digital billboard to be located at 26205 Southwest Freeway. The Agreement provided for an Exhibit (Exhibit "A") regarding the removal of existing off-premises sign faces in the City at a 3:1 ratio.

At this time, Clear Channel is proposing a minor change in the Exhibit that would exchange one of the proposed signs for another in the same general location (near US 90A and SH 36 West) due to apparent contractual obligations preventing the removal of the previously proposed sign. The proposed amended Agreement is attached to Resolution No. R-2121 as Exhibit "A." City Council approval of this Amendment is required since the signs proposed to be removed were included in the original Agreement approved by City Council. However, staff has no objection and recommends approval of Resolution No. R-2121.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to approve Consent Agenda items A, C, D, E, F, G, and H.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. *This item was formerly item B on the Consent Agenda.*
Consideration of and action on authorization of the installation of two (2) pole-mounted radar speed signs along Louise Street in the general vicinity of Avenue R.

EXECUTIVE SUMMARY

This Agenda item has been included to allow for City Council authorization and approval for the proposed installation of two (2) pole-mounted radar speed signs along Louise Street, generally in the vicinity of Avenue R. Said installation would be completed by the Public Works Department.

KEY DISCUSSION POINTS

Rigo Calzoncin, Public Works Director, read the Executive Summary, and Councilor Benton expressed his appreciation for the installation of these radar speed signs.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor at Large, Position 1 William Benton to approve the installation of two (2) pole-mounted radar speed signs along Louise Street in the general vicinity of Avenue R.

Vote: 7 - 0 Carried - Unanimously

3. *This item was formerly item 2 on the Regular Agenda.*

Review and discuss a presentation regarding a proposed Eagle Scout Project by Cade Meaux of Troop 1656 to install a bird watching blind in Seabourne Creek Nature Park, and take action as necessary.

EXECUTIVE SUMMARY

On February 25, 2016, at the regularly scheduled Parks and Recreation Board (Board) meeting, Cade Meaux, Troop 1656, presented a proposal to install a bird watching blind in Seabourne Creek Nature Park. The bird blind will have a total span in length over ten (10) feet and approximately five (5) feet in depth. Rick Adams of the Coastal Prairie Chapter Texas Master Naturalist (Naturalists) will be assisting Cade throughout the entire Project. The Naturalists have decided to donate and install two (2) cedar posts to the Project should City Council approve. After this donation, Cade estimates the Project will cost a maximum of \$285.00. The remaining funds will be raised through friends, family, and Cade's Scout Master. After reviewing the presentation, the Board unanimously recommended the Project plan for approval.

Staff and the Parks and Recreation Board recommend approval of the proposed Eagle Scout Project by Cade Meaux of Troop 1656 to install a bird watching blind in Seabourne Creek Nature Park.

KEY DISCUSSION POINTS

Darren McCarthy, Parks and Recreation Director, read the Executive Summary and introduced Cade Meaux of Boy Scout Troop 1656, who gave a presentation on his a proposal to install a bird watching blind in Seabourne Creek Nature Park. Council thanked Mr. Meaux for his presentation and his contribution to the community.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 4 Lynn Moses to approve the proposed Eagle Scout Project by Cade Meaux of Troop 1656 to install a bird watching blind in Seabourne Creek Nature Park.

Vote: 7 - 0 Carried - Unanimously

4. *This item was formerly item 3 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2123, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Development Agreement by and among the City, B-BROOK LAND PARTNERS, L.P., a Texas limited partnership, and BEAZER HOMES TEXAS, L.P., a Texas limited partnership, in association with Fort Bend County Municipal Utility District No. 155.

EXECUTIVE SUMMARY

Over the last several months, City staff has been in discussions with the developer of Bonbrook Plantation (Fort Bend County MUD No. 155) regarding the development of approximately 144.14 acres south of their existing development and east of the intersection of Benton and Rohan Roads. The tract is in the Extraterritorial Jurisdiction (ETJ) and was annexed into MUD No. 155 as approved by City Council in May 2014 (Ordinance No. 2014-18). The Development Agreement for the additional 144.14 acres was brought to the Planning Commission on February 17, 2016. The Land Plan was approved by the Planning Commission on October 21, 2015, and is an attachment to the Development Agreement.

The Plan consists of 368 proposed single-family residential lots. It contains 41 percent sixty-foot (60') lots and 59 percent sixty-five-foot (65') lots. It also conforms to current parkland dedication standards. Additionally, the east side of the development provides for a north-south collector street "stub out" to eventually connect to Stonecreek Estates when the property between the two is developed.

Among the main points of the Agreement are that the development will follow the City's current "Subdivision" Ordinance and Design Standards for public infrastructure; plats will come before the Planning Commission and City Council and must comply with lot size and other applicable requirements; and the development will meet the City's current parkland dedication requirements, which require more amenities and parkland to be set aside than in the previous ordinance. Additionally, the developer has agreed to avoid planting any trees in the public right-of-way that could result in future maintenance issues.

Overall, the development represents an improvement in terms of lot sizes and amenities compared to what could be developed in the City or its ETJ under the previous ordinances. On February 17, 2016, the Planning Commission recommended approval to City Council of the subject Agreement. A draft minute excerpt is attached for review. There were Commissioner questions about some of the language in the Agreement. For example, it was asked if the City must take over parks in the development if it was annexed in the future. It has since been clarified that the City would only have to take over public parks if the property was annexed. Staff recommends approval of Resolution No. R-2123 authorizing the proposed Development Agreement.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, presented a vicinity map of the existing development, and highlighted the key features of the proposed agreement. Mr. Tanner reiterated that this development is not inside of City limits, but within the Extraterritorial Jurisdiction (ETJ). This agreement specifically addresses trees being planted between the sidewalk and street pavement, which ultimately leads to sidewalk deterioration. The development will have underground utilities, so no overhead utilities to be affected by trees.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2123, a Resolution authorizing the Mayor to execute, for and on behalf of the City, a Development Agreement by and among the City, B-BROOK LAND PARTNERS, L.P., a Texas limited partnership, and BEAZER HOMES TEXAS, L.P., a Texas limited partnership, in association with Fort Bend County Municipal Utility District No. 155.

Vote: 7 - 0 Carried - Unanimously

5. *This item was formerly item 4 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2124, a Resolution authorizing the Mayor to execute, for and on behalf of the City, First Amendment to the Water Supply and Wastewater Services Agreement between the City and Fort Bend County Municipal Utility District No. 155.

EXECUTIVE SUMMARY

The proposed amended Water Supply and Wastewater Services (Utility) Agreement for MUD No. 155 (Bonbrook Plantation) provides that the City will supply MUD No. 155 with up to a total of 1,682 equivalent single-family connections (ESFCs) of water. The purpose is generally to accommodate 368 additional single-family lots/residences to be constructed on the 144.0911 acre tract immediately south of existing Bonbrook Plantation in the Extraterritorial Jurisdiction (ETJ), which tract was annexed into the District with City approval in June 2014. The existing Agreement provides for 1,293 connections; therefore, the proposed amended Agreement would increase the number of connections by 389. While this is more than the proposed number of lots, it is likely that the development, both existing and new, will have more utility connections than just the number of lots (e.g., private recreation center, etc.).

The City currently supplies water to this development, but not wastewater services. Wastewater services are provided by a package plant in MUD No. 152 (Walnut Creek). The proposed new utility/water connections above and beyond 1,293 connections will be under the City's current water impact fee structure as opposed to the previous fee structure, which was "grandfathered" under the existing Agreement. The proposed amended Agreement provides that the City and MUD No. 155 can negotiate in the future if the City is able to provide wastewater services. The District also agrees to work with the City and potentially install an effluent reclaimed water irrigation system if the City reaches the point where it could deliver such effluent reclaimed water to the development. Further, the District agrees to comply with the Plumbing Code as adopted in the City Limits (2012 International Plumbing Code).

Staff recommends approval of Resolution No. R-2124 authorizing the First Amendment to the Water Supply and Wastewater Services (Utility) Agreement with MUD No. 155.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, gave an overview of the item, and explained that this utility agreement is in conjunction with the previous item.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2124, a Resolution authorizing the Mayor to execute, for and on behalf of the City, First Amendment to the Water Supply and Wastewater Services Agreement between the City and Fort Bend County Municipal Utility District No. 155.

Vote: 7 - 0 Carried - Unanimously

6. *This item was formerly item 5 on the Regular Agenda.*
Consideration of and action on Variance and Decision Order No. V2016-02, a request for a Variance to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots for an adjustment to the front building line requirement for Bonbrook Plantation North Section 10, Block 3, Lot 1 (9718 Emerald Briar Lane).

EXECUTIVE SUMMARY

An application has been submitted requesting a Variance to the front building line requirement for Bonbrook Plantation North Section 10, Block 3, Lot 1 (9718 Emerald Briar Lane). The intent of the request is to allow a twenty-four foot (24') front building setback for replatting purposes. A vicinity map of the property and application materials are attached for review.

The subdivision, Bonbrook Plantation North Section 10, was platted in July 2014. The "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68) requires a 25' front building line for interior residential lots. The subject lot was platted accordingly with a 25' front building line. However, the structure was built slightly (1/2 foot) over said building line. Staff had no knowledge of this since it is in the Extraterritorial Jurisdiction (ETJ) where City permits are not required. The applicant contacted staff on behalf of the builder/developer to notify us of the encroachment. They were informed that staff would not take action on the encroachment, as the property is located in the ETJ. However, the builder/developer would still like to clean up the building line issue and formally obtain a variance to avoid issues with a potential buyer closing on the property.

Variances must be evaluated by the Planning Commission and City Council based on the four (4) criteria outlined in the Code (Sec. 25-8). Following are the criteria. The builder/developer has addressed each criterion in the attached application materials.

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

The structure has already been built ½ foot over the setback due to an apparent oversight.

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

The sidewalk is well within the right-of-way, so the ½-foot encroachment should not result in parked vehicles blocking the sidewalk.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area, as the surrounding property has already been platted.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

Without the variance, the front of the home would have to be reconstructed or the builder/developer and any future homeowners, lenders, etc., would have to accept the property technically being nonconforming by ½ foot.

Staff defers to the applicant to explain the request in greater detail. Staff did not require the variance request to be submitted; rather, it was submitted because the applicant believed it was the best course of action from their perspective. Staff has no objections to the proposed variance if this is the best course of action for the applicant. The Planning Commission unanimously recommended approval to City Council of the variance on February 17, 2016.

KEY DISCUSSION POINTS

Ian Knox, Planning Administrator, read the Executive Summary. Because this is a minor variance in the ETJ, there were no questions.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Variance and Decision Order No. V2016-02, a request for a Variance to the requirements of Section 25-68 of the Code of Ordinances relating to the building lines for single-family residential lots for an adjustment to the front building line requirement for Bonbrook Plantation North Section 10, Block 3, Lot 1 (9718 Emerald Briar Lane).

Vote: 7 - 0 Carried - Unanimously

7. *This item was formerly item 6 on the Regular Agenda.*

Consideration of and action on a Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1, a subdivision of 0.181 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, also being a Partial Replat of Bonbrook Plantation North Section Ten, being all of Lot 1, Block 3 as recorded in Plat No. 20140154 F.B.C.P.R.; 1 lot, 0 reserves and 1 block.

EXECUTIVE SUMMARY

The Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1 is a partial replat of Bonbrook Plantation North Section Ten, being all of Lot 1, Block 3, consisting of 0.181 acres located at 9718 Emerald Briar Lane. The purpose of the replat is to establish dual twenty-four (24) foot and twenty-five (25) foot building lines. The twenty-four foot front building line is exclusively for the life of the current structure. The subject property was originally platted as part of Bonbrook Plantation North Section 10, and only includes a twenty-five (25) foot building line. The property is being replatted in this way to address the ½-foot encroachment of a structure as discussed in the previous Agenda item for Variance and Decision Order No. V2016-02.

The Planning Commission considered and recommended approval to City Council of this Short Form Final Plat at

the February 17, 2016 meeting. Staff recommends approval of the Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1.

KEY DISCUSSION POINTS

Ian Knox, Planning Administrator, read the Executive Summary, explaining that this item is the direct result of the previous item.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve the Short Form Final Plat of Bonbrook Plantation North Section Ten Partial Replat No. 1, a subdivision of 0.181 acres of land situated in the Wiley Martin League, Abstract 56, Fort Bend County, Texas, also being a Partial Replat of Bonbrook Plantation North Section Ten, being all of Lot 1, Block 3 as recorded in Plat No. 20140154 F.B.C.P.R.; 1 lot, 0 reserves and 1 block.

Vote: 7 - 0 Carried - Unanimously

8. *This item was formerly item 7 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2125, a Resolution authorizing the City Engineer to execute and submit, for and on behalf of the City, the Annual Report for the City of Rosenberg's Storm Water Management Plan under TPDES General Permit No. TXR040272 to regulate storm water discharges for Small Municipal Separate Sewer Systems (MS4) under TPDES Phase II MS4 General Permit (TXR040272).

EXECUTIVE SUMMARY

The Texas Commission on Environmental Quality (TCEQ) originally adopted the General Permit TXR040000 for the regulation of storm water discharges. Authorized by the Clean Water Act, Phase I regulations were in place for cities with a population in excess of 100,000. The Phase II General Permit for smaller cities located in Urbanized Areas was approved in November 2007.

The majority of the City of Rosenberg (City) lies within the Houston Urbanized Area as originally determined by the 2000 Census; therefore, the City has been identified as a Small Municipal Separate Sewer System (MS4), and complies with the requirements of the Clean Water Act by filing the General Permit.

The City submitted the Notice of Intent and the Storm Water Management Plan to the TCEQ in February 2008. For the past seven (7) years, staff presented the Annual Report for the year, and authorized the City Engineer to execute the report and file it.

This is the eighth annual report. This is the second report filed under the revised General Permit issued by the TCEQ.

The revised General Permit requires that the City submit an Annual Report of activities for the reporting period of January 01, 2015, to December 31, 2015. This Agenda item will allow staff to update City Council on the status of the Permit and review the activities for this year. The Annual Report has been included as Exhibit "A" to Resolution No. R-2125.

Staff recommends approval of Resolution No. R-2125 which accepts the Annual Report and authorizes the City Engineer to execute and submit the Annual Report under TPDES General Permit No. TXR040272 to regulate storm water discharges.

KEY DISCUSSION POINTS

Charles A. Kalkomey, P.E., City Engineer, read the Executive Summary, giving the background on the item.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2125, a Resolution authorizing the City Engineer to execute and submit, for and on behalf of the City, the Annual Report for the City of Rosenberg's Storm Water Management Plan under TPDES General Permit No. TXR040272 to regulate storm water discharges for Small Municipal Separate Sewer Systems (MS4) under TPDES Phase II MS4 General Permit (TXR040272).

Vote: 7 - 0 Carried - Unanimously

9. *This item was formerly item 8 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2126, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-06 in the amount of \$18,850.00, for the roof improvements associated with the relocation of Fire Administration.

EXECUTIVE SUMMARY

On February 16, 2016, City Council approved Resolution No. R-2111, authorizing Budget Amendment 16-05 to appropriate \$70,000.00 for improvements and associated costs with the relocation to the new Fire Administration Building at 4336 Highway 36 South, Rosenberg, Texas 77471.

Since that time, it has become apparent that additional improvements need to be made to the roof. Several quotes were received for various types of roof improvements and the best alternative is to install a TPO roofing system in the amount of \$26,852.00. Initially, \$8,000.00 was included in Budget Amendment 16-05 for roof repairs; therefore, the difference of approximately \$18,850.00 is requested for roof improvements. Funding is available from the MUD Fire Services Fund. Fire Chief Wade Goates has provided a memorandum explaining the benefits that this facility and location will provide the community.

Staff recommends approval of Budget Amendment 16-06, attached to Resolution No. R-2126 as Exhibit "A", as presented.

KEY DISCUSSION POINTS

Wade Goates, Fire Chief, read the Executive Summary, and explained that a TPO roofing system is what was recently installed on Fire Station 1, building a new roof over an existing roof. The new roof would be under warranty for 40 years.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2126, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-06 in the amount of \$18,850.00, for the roof improvements associated with the relocation of Fire Administration.

Vote: 7 - 0 Carried - Unanimously

10. *This item was formerly item 9 on the Regular Agenda.*

Consideration of and action on Ordinance No. 2016-09, an Ordinance amending the Code of Ordinances by amending Chapter 16 entitled Licenses and Business Regulations, Article IV entitled Itinerant Vendors, Solicitors and Peddlers to provide regulations as allowed by Constitutional law, federal and state law; providing for a penalty; providing that this Ordinance shall be cumulative; providing for severability; and providing an effective date.

EXECUTIVE SUMMARY

Per City Council's direction at the February 23, 2016 Workshop Meeting, the City Attorney's office has prepared Ordinance No. 2016-09 which amends the operating hours allowable for door-to-door solicitation.

Also included for City Council's review and comparison are the door-to-door solicitation regulations for several comparable cities in our area.

KEY DISCUSSION POINTS

Cynthia Trevino, City Attorney, gave an overview of the item, explaining the key differences between the original Ordinance language and the proposed updated Ordinance language. The new language will make it easier to issue citations for offenses, will comply with existing State and Federal law, and will clarify the approved hours of solicitation. Council encouraged citizens to post "No Solicitation" signs, and to call the police if any solicitor without a permit comes to their door.

Per Council discussion, the following revisions will be made to Ordinance No. 2016-09:

- Defining the passport photo size: (2 x 2 inches); and,
- Clarification of the penalty clause in Section 16-181.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Ordinance No. 2016-09, an Ordinance amending the Code of Ordinances by amending Chapter 16 entitled Licenses and Business Regulations, Article IV entitled Itinerant Vendors, Solicitors and Peddlers to provide regulations as allowed by Constitutional law, federal and state law; providing for a penalty; providing that this Ordinance shall be cumulative; providing for severability; and providing an effective date.

Vote: 7 - 0 Carried - Unanimously

11. *This item was formerly item 10 on the Regular Agenda.*

Hold Executive Session to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Texas Government Code Section 551.072.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

12. *This item was formerly item 11 on the Regular Agenda.*
Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to accept the deed for Old Richmond Road Right of Way from Bernshausen Oil Company and Evelyn Bernshausen, and to authorize the Mayor to execute the agreement on behalf of the City.

Vote: 7 - 0 Carried - Unanimously

13. *This item was formerly item 12 on the Regular Agenda.*
Adjournment.
There being no further business, Mayor McConathy adjourned the meeting at 8:22 p.m.



Linda Cernosek, TRMC, City Secretary